IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2270 OF 2004

Mr.Rajendra Khetan
and Anr. ...Petitioners.

Versus

The State of Maharashtra
and Anr. ...Respondents.

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Mr.A.M.Saraogi, Advocate for the Petitioners.
Ms.S.V.Gajare, A.P.P. for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : AUGUST 16, 2006.

P.C.:

1. Heard Mr.Saraogi learned Counsel for the petitioners and Ms.Gajare learned APP for the State.

2. The petitioners are seeking quashing of private complaint being No.59/S of 2001, which is pending before the Metropolitan Magistrate, 10th Court at Andheri, Mumbai. The said case is under Sections 323, 352, 504, 506(2) r/w. 34 of IPC.

In the said case, process was issued against the petitioners under Sections 323, 352, 504, 506(2) r/w. 34 of IPC.

3. In view of the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode, reported in 2005(3) Mh.L.J.778,** I am of the opinion that the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer the necessary revision before the concerned Sessions Court. The learned Counsel for the petitioners makes a statement that the necessary revision will be preferred within a period of six weeks from today. In view of this statement, the stay granted by this Court to the proceedings, stands extended for a period of six weeks from

today.

5. In case, the revision is preferred within a period of six weeks from today, the learned Sessions Judge shall condone the delay in filing the revision; and shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Writ Petition is disposed of.

(SMT.V.K.TAHILRAMANI,J.)